

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:21-CR-00202-SRC
)	
)	
GLEND A SEIM,)	
)	
Defendant.)	

SENTENCING HEARING

BEFORE THE HONORABLE STEPHEN R. CLARK
UNITED STATES DISTRICT JUDGE

FEBRUARY 24, 2022

APPEARANCES:

For Plaintiff: Tracy L. Berry, Esq.
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For Defendant: Lucille G. Liggett, Esq.
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United States District Court
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PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY
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FEBRUARY 24, 2022

(The proceedings commenced at 1:53 p.m.)

(The following proceedings were held in open court
with the defendant present:)

THE COURT: We are here on the record in the case of
the United States of America v. Glenda Seim,
Docket No. 4:21-CR-202-SRC.

Counsel, please state your appearances for the
record.

MS. BERRY: Tracy Berry for the United States.

MS. LIGGETT: Lucy Liggett for Ms. Seim.

THE COURT: Counsel, you may both remove your masks.
It will make it easier. You can keep it on if you want. You
don't have to.

MS. BERRY: Thank you.

THE COURT: It's up to you.

And I see Ms. Seim is here as well. Good afternoon,
Ms. Seim.

THE DEFENDANT: Good afternoon.

THE COURT: All right. So we are here for
Ms. Seim's sentencing. She pled guilty on November 2 of 2021.

And I'm going to have you stand up, Ms. Seim, and
have you sworn in.

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1 (Defendant sworn in by the clerk.)

2 **THE COURT:** You may be seated.

3 Ms. Seim, I'm going to have you pull that microphone
4 back a little closer to you there, if you can. There you go.
5 That ought to work.

6 You are under oath and your answers are under
7 penalty of perjury just as they were when you pled guilty. Do
8 you understand that?

9 **THE DEFENDANT:** Yes, I do.

10 **THE COURT:** And when you pled guilty, you pled
11 guilty because you are, in fact, guilty as charged; correct?

12 **THE DEFENDANT:** Yes.

13 **THE COURT:** When you pled guilty, you told me you
14 were fully satisfied with the services that Ms. Liggett has
15 performed for you in this case. Since then have you had
16 enough time to talk with her and have her answer any and all
17 questions you had about the case?

18 **THE DEFENDANT:** Yes, I have.

19 **THE COURT:** Do you remain fully satisfied with the
20 services that she has performed for you in this case?

21 **THE DEFENDANT:** Yes, sir.

22 **THE COURT:** And, Ms. Berry, have the victims,
23 identifiable victims been provided notice of today's hearing?

24 **MS. LIGGETT:** They were, Your Honor. There were
25 letters sent out recently. And when the Court changed the

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1 times, there were new letters sent out. No one has requested
2 permission to speak to the Court.

3 **THE COURT:** Very good.

4 So I have reviewed all of the materials available in
5 the Court's CM/ECF system, as well as those letters that were
6 provided to me today before the hearing began. And I've
7 considered all of the matters in the record as is relevant for
8 purposes of sentencing.

9 The materials I've reviewed include, but are not
10 limited to, those letters, as I mentioned; the guilty plea
11 agreement; the presentence report; the restitution
12 questionnaires; the defendant's motion for a downward variance
13 and the United States' response to that.

14 I will note that the defendant's motion includes the
15 cycle -- psychological report of Rick Scott, Ph.D. and then
16 Dr. Scott's CV was also provided to me. And then I have a
17 notice from the defendant's counsel about calling Dr. Scott
18 here. And we have discussed that Dr. Scott would be here
19 available to provide testimony in the event that I had
20 questions.

21 Is that correct, Ms. Liggett?

22 **MS. LIGGETT:** Yes, Your Honor. And he is in the
23 courtroom today.

24 **THE COURT:** Very good.

25 All right. Welcome, Dr. Scott. Very good. Thank

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1 you for being here.

2 **MALE SPEAKER:** Good afternoon.

3 **THE COURT:** I have also reviewed the United States'
4 sealed supplement. And, Counsel, do you have any written
5 materials for me to consider today?

6 **MS. LIGGETT:** No, Your Honor.

7 **MS. BERRY:** No, Your Honor.

8 **THE COURT:** And, Ms. Liggett, did you have enough
9 time to read and discuss the presentence report with Ms. Seim?

10 **MS. LIGGETT:** I did, Your Honor.

11 **THE COURT:** And do you have any objections to the
12 presentence report?

13 **MS. LIGGETT:** No, Your Honor.

14 **THE COURT:** Ms. Seim, have you used any drugs or
15 alcohol within the last 48 hours other than the medications
16 you typically take?

17 **THE DEFENDANT:** No, sir.

18 **THE COURT:** We went through at your plea hearing a
19 number of medications that you take and they are also
20 reflected in the presentence report. So are you still taking
21 all of those medications?

22 **THE DEFENDANT:** Some of them have expired and I
23 haven't got a chance to get them refilled. I do have an
24 appointment tomorrow with my primary doctor.

25 **THE COURT:** So the medications that you are not

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1 taking or that you haven't taken because you haven't refilled
2 them, do they in any way affect your ability to understand or
3 fully appreciate what we are doing here today?

4 **THE DEFENDANT:** No, sir.

5 **THE COURT:** And did they at any time affect your
6 ability to understand or communicate with your attorney in
7 this case?

8 **THE DEFENDANT:** No, sir.

9 **THE COURT:** And did you read and discuss the
10 presentence report with Ms. Liggett and have a chance to have
11 her answer any and all questions you had about it?

12 **THE DEFENDANT:** Yes, I have.

13 **THE COURT:** And Ms. Liggett has told me that you
14 have no objections to the presentence report. Do you agree
15 with that?

16 **THE DEFENDANT:** I do.

17 **THE COURT:** Is there any agreement you think you
18 have about sentencing in this case other than your plea
19 agreement and what has been submitted to me in connection with
20 your plea agreement?

21 **THE DEFENDANT:** Say that again, please.

22 **THE COURT:** Certainly. So I will break it down. So
23 we have your guilty plea agreement. You know that, right?

24 **THE DEFENDANT:** Yes.

25 **THE COURT:** You read and signed that. And then

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1 there are other documents that have been submitted to me about
2 your sentencing relating to, for example, the public service
3 announcement video that you're involved in.

4 **THE DEFENDANT:** Yes.

5 **THE COURT:** And your efforts to work with the
6 prosecution on this and the like. So you understand all of
7 those -- that information?

8 **THE DEFENDANT:** Yes, I do. Yes.

9 **THE COURT:** So other than that information that's
10 been submitted to me, is there any other agreement you think
11 you have about sentencing in this case?

12 **THE DEFENDANT:** No.

13 **THE COURT:** And is there anything you are asking for
14 me to decide other than your sentencing in this case today?

15 **THE DEFENDANT:** Nothing.

16 **THE COURT:** At this time we will conduct our Local
17 Rule 13.05 bench conference. We do this in every case. It is
18 a sealed record. It is for the protection of the defendant.
19 So we will go ahead and do that. And then I suspect we will
20 have some other things we need to continue to talk about, but
21 we will first do the 13.05 for purposes of the record.

22 So we are going to put some headphones on you,
23 Ms. Seim.

24 **THE DEFENDANT:** Okay.

25 **THE COURT:** So, Ms. Liggett, if you can assist us

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1 with that. Once we have those on -- Ms. Seim, so once you
2 have those on, your microphone isn't going to work.

3 **THE DEFENDANT:** Okay.

4 **THE COURT:** So what I'm going to need you to do is
5 if I ask you a question and you have a yes answer, I'm going
6 to need you to give me a thumbs up.

7 **THE DEFENDANT:** Okay.

8 **THE COURT:** If the answer is no, I'm going to need
9 you to shake your head. Do you understand that?

10 **THE DEFENDANT:** Yes.

11 **THE COURT:** Very good.

12 Go ahead, please.

13 **(Pursuant to Local Rule 13.05, a bench conference**
14 **was held on the record and placed under seal, after which the**
15 **following proceedings continued in open court:)**

16 **THE COURT:** All right. So we are back on the public
17 record.

18 So, Counsel, I will first say that this case has
19 been very ably litigated. And I appreciate all of the
20 information that you have provided me in this case and I
21 appreciate the extensive information you have provided me on
22 what I'll call Ms. Seim's, I guess, extraordinary efforts to
23 work with the United States and essentially to try to prevent
24 these types of scams and schemes from happening again.

25 So with all of that, I understand that the -- that

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1 you have some issues you would like to present. Keep in mind
2 I have read everything that you have submitted to me. But go
3 ahead and I will take argument and allocution. So you may
4 proceed.

5 And I have -- I will mention again, I have read
6 Dr. Scott's report. At this time I don't have any specific
7 questions about it, but if any arise as you speak, I will let
8 you know and we can get input from Dr. Scott on that.

9 So you may proceed, Ms. Liggett.

10 **MS. LIGGETT:** Thank you, Your Honor.

11 Your Honor, the guideline range in this case is the
12 minimum of 37. And in my motion for a variance, I am
13 requesting a downward variance, in addition to the departure,
14 also a downward variance to a term of five years' probation.
15 And I do agree with the government that should be five years
16 of supervised released probation as opposed to administrative
17 supervision.

18 Your Honor, this case was really incredible in
19 looking at the facts of this case and how long this went on.
20 Truly, it was an incredible case when I began to look at the
21 indictment and the extent and the length of time. My first
22 thought was how could this happen? How could this happen to
23 someone for the length of time that it is? And the
24 government, FBI showing up, mortgage, you know, the mortgage
25 companies, banks, everyone telling her that this was a scam

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1 that she was involved in, how long this could go on despite
2 all of that.

3 I think in answering the question is in knowing
4 Glenda Seim. That's why I thought it was very important that
5 she receive a psychological evaluation in this case is to know
6 Glenda Seim.

7 When I first met her in March of 2021, I could tell
8 that she didn't have a lot of trust, did not have a lot of
9 trust in me. She didn't have a lot of trust in the FBI. She
10 just didn't. She was extremely lonely. Seemed very isolated
11 in her apartment, despite that she was surrounded by people.
12 She had very few friends. Real friends. Good friends. I
13 know the Court has seen these letters from her friends, but in
14 terms of a large social circle and friends and social
15 activities, it just wasn't there.

16 In reading the psychological evaluation, too, you
17 can see her experiences from the time she was a child to her
18 adulthood throughout her life that I do believe shaped her to
19 be the person that she was. In childhood she was also
20 isolated; she was bullied; she didn't have a lot of friends.
21 And I think that carried into adulthood.

22 I do believe that she is somebody that really was
23 searching to be loved. Truly loved and cared about and
24 important in somebody's life. And that's where I think
25 Facebook came about for her. It was a platform or a forum to

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1 meet people, especially, you know, a boyfriend.

2 And I asked her a lot of questions about Facebook
3 when she put herself out there. What did you do? Did you put
4 your picture out there? Yes, I think so. Do you know
5 anything about privacy settings? I don't know what those are.

6 So she put herself out there and immediately the
7 trollers came. And there was this one particular person who
8 asked the right questions, said all the right things and drew
9 her in. And he manipulated her with incredible manipulation.
10 He was so clever. He knew the questions to ask and he knew
11 the answers she gave and he was able to manipulate her,
12 manipulate her so well that she was able to not listen to what
13 other people were telling her about this scam.

14 By the time the FBI showed up, she was years into
15 this, of manipulation and what I think is brainwashing, that
16 she can turn away there an entire community.

17 So in my work with Ms. Seim, I needed to build
18 trust. And I do that with every client I have. It's
19 important that they trust. But I sat down with her in her
20 apartment every two weeks. I spent hours with her peeling
21 back this scheme and this scam to show her where it was, what
22 happened.

23 There was a moment, Judge, that it came. And it
24 came when I got to the point where I had victim impact
25 letters, that Ms. Berry did provide me at my request, and also

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1 the -- when she could see the fraud that was being committed
2 behind the scenes of this G&D business that she thought was a
3 business that she was setting up so the two of them could have
4 this wonderful life together when he returned from Nigeria. I
5 saw it happen at that moment.

6 The other thing that I realized at that moment was
7 the grief was going to be incredible for her. And she didn't
8 have a lot of people to fall back on. But I could see it in
9 her face that she was grieving the loss of what she thought
10 was the love of her life and realizing that not only was she
11 the victim but she had victimized other people; that there
12 were other people who lost money and other things to these
13 same scammers.

14 Luckily at that time it was about that time that I
15 sent her to see Dr. Scott. So when she met with Dr. Scott,
16 she had had that realization. And I think those meetings with
17 her and discussing what happened were very healing for her;
18 that she was able to move through the grief.

19 Today as she sits here, her remorse is incredible;
20 that there are people out there that she doesn't even know
21 that were also scammed and she was a part of it. She wants to
22 make amends. She wants to make restitution as best she can.
23 She is not a wealthy woman, but she wants to make restitution
24 during -- for the rest of her life, probably, Your Honor,
25 given the judgment that will be levied against her.

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1 I think Dr. Scott's report -- I also asked him to do
2 a risk assessment, in terms of the 3553(a) factors in this
3 case, to address the need to protect the public and deter her
4 from future crimes. Because I know that is a concern in this
5 case, given the length of time that she was involved in this
6 scheme. And also a sentence that would protect the public and
7 be just punishment in this case.

8 He found in looking at her age and her health
9 issues, her lack of serious mental health issues in this case,
10 her history and characteristics that the risk of recidivism is
11 low in this case. Especially if she were on a term of
12 supervised probation, such as supervision, that there will be
13 a probation officer who would look in on her, meet with her,
14 be able to look at her phone, computer, whatever, depending on
15 the conditions the Court would impose.

16 Also, she -- her -- she has no criminal history.
17 She is 81. She is almost 82 years old. She has worked hard.
18 She has had a stable life. She has had two stable marriages.
19 She had a son. No major mental illness. No substance abuse
20 issues. And given her health and her circumstances, that her
21 risk of recidivism would be low in this case.

22 The supervision would have several conditions which
23 would protect the public. And in terms of deterring her from
24 future crimes, her eyes are wide open today. She sees the
25 scheme for exactly what it is and she sees how she was a part

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1 of this by victimizing others, by turning a blind eye and a
2 deaf ear to the people who tried to tell her differently.

3 She wants to make restitution to the victims. She
4 is never going to do this again. When Ms. Berry approached us
5 to do a public service announcement and described what it was
6 to her, she was right on board. Yes, yes, yes. Right on
7 board.

8 On a day in November, we went down to the FBI
9 building and she was part of a public service announcement.
10 She knew it was going to be out there. This was going to be a
11 different type of cooperation than other cooperation. It was
12 going to be out there in the public view. And it is. And I
13 did tell her that. And we watched it together and I told her
14 how it's being used. And she feels that this helps her make
15 amends and to help other people not to be victimized and not
16 to be a money mule as she is.

17 So I would ask the Court to vary downward in this
18 case and impose a sentence of five years of probation. Thank
19 you.

20 **THE COURT:** Thank you, Ms. Liggett.

21 Ms. Seim, at this time you can tell me anything you
22 would like to tell me to consider in connection with
23 sentencing in this case. You don't have to, but if you would
24 like to, please go ahead and do so now.

25 **THE DEFENDANT:** Well, I haven't shed a tear since

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1 this all started but I think I'm about to blow up right now.

2 I am so ashamed, embarrassed and sorry for my
3 actions because I didn't listen. I had people tell me,
4 different people from different walks of life tell me that
5 "you shouldn't be doing what you are doing." But they didn't
6 understand what I was doing, I didn't think.

7 Anyway, I didn't listen. And since I didn't listen,
8 I've caused people to have hardships and losses. And I'm so
9 sorry for that. Not only that, I'm so sorry because of what
10 it's done for my family.

11 **THE COURT:** Take a deep breath. It's okay.

12 **THE DEFENDANT:** I have caused embarrassment and
13 shame and I'll die of shame to myself because I didn't listen.
14 And that's the only reason I can say that things are like they
15 are today is because I didn't listen and I'm so sorry. And I
16 know it will never happen again. And had I known what was
17 going on, it would have stopped in a New York minute.

18 Thank you, Your Honor.

19 **THE COURT:** Thank you, Ms. Seim.

20 Ms. Berry, I have some questions, but let's start
21 with this. Whose idea was it to do this video?

22 **MS. BERRY:** My fault.

23 **THE COURT:** No, not your fault. I think it's a
24 brilliant and creative idea to -- as the saying goes -- make
25 lemonade out of lemons. So I appreciate the creativity and

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1 the thought that went into that as a way of making the best
2 out of, frankly, what's a horrible situation.

3 So with that, you may proceed.

4 **MS. BERRY:** Thank you, Your Honor.

5 You know, I want to start by -- when we announced
6 the public service announcement, we had a press conference at
7 the FBI and we showed the video, and one of the questions that
8 was asked was: You all usually don't work with criminal
9 defendants in this way. You know, why now? And the first
10 thing I said was, "This is an exceptional case." This is not
11 something that we intend to do -- at least I cannot see
12 another situation where we would do another public service
13 announcement like this.

14 It has had incredible reach. I checked the YouTube
15 link this morning and there have been over 9200 hits this
16 morning. That's up like 500 from the week before. It has
17 been released to be used by the FBI in their training. It has
18 been released to the elder justice coordinators of which I'm
19 one. And every single United States Attorney's Office. It
20 has been released to the Executive Office of U.S. Attorneys.
21 It has flowed to various adult advocacy groups in the
22 St. Louis metropolitan area.

23 And the impact has just been stunning. We don't
24 know whether or not it's going to -- it has stopped anybody.
25 Because nobody is going to say, well, I don't do this because

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1 I saw that PSA. But what we do know is that I -- well, just
2 as an example, yesterday I was in a meeting with members of
3 the older adult advocacy group in St. Louis. It's the
4 St. Louis Elder Financial Fraud Multidisciplinary Task Force.
5 We have a really long name. And one of the advocates who
6 works with older adults said until she saw that PSA, she did
7 not know older adults could get charged.

8 I think to think about it, what Ms. Seim did is no
9 different than what a 30-, 40-, 50-year-old money mule has
10 engaged in. And, you know, we don't really think twice about
11 charging somebody for that type of offense if they engage in
12 it.

13 What these predators -- and that's what I'm going to
14 call them, the people who manipulated Ms. Seim. When they are
15 working with older adults, they count on the fact that older
16 adults won't get prosecuted, nothing is going to happen to
17 them, and that they can continue their manipulation until that
18 person runs out of money, until a family member, you know,
19 steps in and takes over conservatorship or until the person
20 passes.

21 By Ms. Seim coming forward and doing this public
22 service announcement and advising everybody that she didn't
23 listen to law enforcement, she didn't listen to bank
24 representatives, she didn't listen to Western Union. And now
25 she is having to be forced -- because she is -- to listen to

1 Your Honor. And it helps them to understand that there are
2 penal consequences to the conduct. It's not just promise to
3 pay the money back and don't do it anymore.

4 So this public service announcement was an unusual
5 ask for a situation that has become all too usual. It's all
6 too familiar that we have individuals such as Ms. Seim who
7 have been cultivated over a period of years, engaging in
8 conduct that they are repeatedly told is criminal but
9 believing the love of their lives as opposed to family
10 members, as opposed to law enforcement.

11 We have already charged one other individual in this
12 district. I've talked to prosecutors in other districts, in
13 other federal districts where they have cases involving people
14 like Ms. Seim. It is our belief that this public service
15 announcement will open the eyes, if not necessarily of older
16 adults who are becoming money mules, but their family members,
17 people in the community who will take it seriously and will do
18 something to stop the fraud from going forward.

19 We have looked at the 3553(a) factors. In white
20 collar fraud cases it's very difficult to believe that
21 somebody who commits fraud, who their entire career, criminal
22 careers are built on deceit, can come in and say I'm sorry.
23 And so in those cases, we ask for terms of incarceration.

24 This case, however, when considering the totality of
25 the 3553(a) factors, what the government sees as Ms. Seim's

1 extreme remorse, and knowing that there are options within the
2 United States Probation Office that can reduce any risk of
3 future criminal activity, it is the government's belief that a
4 sentence of probation with restrictions as set forth in the
5 presentence investigation report would be appropriate in this
6 case.

7 **THE COURT:** Thank you. Some questions for you.

8 Dr. Scott in his report mentions a number of factors
9 that he believes diminish the risk for Ms. Seim's recidivism
10 in this case. He lists four. One, her gender and her age;
11 number two, the absence of past criminal convictions; number
12 three, the absence of a major mental illness and that she
13 simply has mild anxiety and depression, not psychosis, mania
14 or any brain injury; and the absence of substance abuse.

15 He also cites her history of a stable second
16 marriage that demonstrates signs of lifetime -- lifestyle,
17 rather, stability.

18 Tell me what is the United States' position with
19 respect to your perception, the United States' perception of
20 the risks of recidivism in this case.

21 Because I will tell you the one thing that concerns
22 me -- there are a lot of things that concern me about this
23 case, but the one thing that concerns me is that Ms. Seim
24 ignored all of the warning signals, including police, FBI and
25 Secret Service coming to her door and saying -- and the bank

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1 and others -- saying what you're engaged in is fraudulent,
2 harming other people and you need to stop. And she doesn't.

3 And in recognizing what else Dr. Scott and
4 Ms. Liggett have said about Ms. Seim and her susceptibility
5 for a variety of reasons, a concern, valid concern in this
6 case is the risk of recidivism.

7 Please address that.

8 **MS. BERRY:** Your Honor, I understand completely.
9 It's one of the government's concerns as well. The factors
10 that Dr. Scott pointed out were weighed to a lesser extent
11 than what Dr. Scott and Ms. Liggett may have done.

12 The issue for the government is fashioning a
13 sentence that will meet all of the sentencing objectives.
14 Deterrence being, for the government, a very, very big one.
15 Protecting the public, a very, very big one. But for our
16 request for five years of extreme restrictions on her liberty,
17 there might be greater concern.

18 The difference now, or tomorrow, and when all of
19 this took place is that, number one, all eyes were not on
20 Ms. Seim. Because of this public service announcement, all
21 eyes are on her. I cannot imagine her being able to walk into
22 another bank, opening another account and fraud investigators
23 immediately seizing ahold of that and contacting the
24 U.S. Attorney's Office, contacting the FBI and putting that
25 before the probation office and this Court.

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1 I cannot imagine that she would be able to receive
2 mail in other people's names at her current apartment complex
3 and someone not immediately calling and saying, hey, I think
4 there's something going on here. What was going on before was
5 individuals would say something to her, but there wasn't an
6 immediate ability to bring somebody in to -- I hate to use
7 this analogy but "bring down the hammer."

8 There will be, under a term of probation, the
9 difference with regard to incarceration, the concern of the
10 government under that scenario is that supervised release
11 would be limited to three years. Because of Ms. Seim's age
12 and health conditions, she could seek relief from the Bureau
13 of Prisons for an early release potentially under the --

14 **THE COURT:** First Step Act.

15 **MS. BERRY:** Yeah. FSA. But I was going to use the
16 wrong letters for that.

17 But there's also the concern that if she were to be
18 incarcerated under the circumstances that there are now, that
19 we might end up in a situation where when she comes out, she's
20 even more isolated. Right now there have been resources that
21 have been arranged for her through St. Louis Aging Ahead that
22 will give her some of that social outlet that she was seeking
23 from the love of her life.

24 And they are in place now to step up and provide her
25 with just some training. There's another organization called

1 Oasis that the government will be providing that information
2 to the probation office. It is an organization for seniors
3 that allows them to come and learn certain skills. It's
4 computer related. And so it's going to depend on restrictions
5 on whether she has access to the Internet. But she could
6 potentially be allowed to do that.

7 So the 3553(a) factors and the fact that overall a
8 term of incarceration would not suit this defendant and these
9 circumstances and truly accomplish all of the goals when a
10 five-year sentence of probation could.

11 **MS. LIGGETT:** Judge, I know you didn't ask me that
12 question. May I respond.

13 **THE COURT:** You read my mind because that was the
14 next question. So go ahead.

15 **MS. LIGGETT:** Okay. In my allocution I wanted to
16 address those issues. Because this did go on a long time and
17 she didn't listen to the community and then she didn't listen
18 to the FBI.

19 In my allocution, what I wanted to point out to the
20 Court that also seven years ago or eight years ago when she
21 got involved in this, her eyesight was good; she had a car;
22 she was moving around the community; she had a bank account.
23 She was prime to be used in this -- in the way that this
24 depraved individual or individuals wanted her to.

25 Since that time, she is no longer driving. She

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1 really -- she can't -- she can't see. She's got glaucoma and
2 macular degeneration. Her eyesight is so poor. I will let
3 the Court know, I read all of the discovery to her because she
4 just can't read it, she can't see it. So she is not driving.
5 She has no bank account. She has no bank account.

6 Her son -- you know, she was kicked out of the
7 senior living apartment she had and her son was able to find
8 her another apartment in Webster Groves. The mail goes to him
9 now. She doesn't receive her mail. She has no computer. She
10 has no Internet. If the Court imposes those conditions for
11 the next five years, that would be fine with her.

12 So in terms of protecting the public and that
13 Ms. Seim will never do this again, those particular aspects of
14 her life have changed.

15 What I wanted the Court to know was from the moment
16 I met her, on the 21st or so of March and before that, and who
17 she is today and where she is today, it's a 180-degree turn.
18 180 degrees.

19 At the time that she entered into this, she was so
20 vulnerable. And she knew nothing about Facebook and trolling
21 and the depravity that was out there. I mean, I am not a fan
22 of Facebook, and I will yell it from the top of this building:
23 I am not a fan of Facebook. And this is one of the reasons
24 I'm not.

25 She has done a 180-degree turn. She is not going to

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1 get on the Internet. She is not going to look for some
2 boyfriend on the Internet. She is not going to take anybody's
3 suggestion that she should take a piece of equipment to a
4 pawnshop. She is not going to do that. The only thing she
5 has is her social security card. And her son knows all about
6 this and is in her life, watching.

7 So I just want the Court to know that. Because I
8 have spent over a year with her. I have had her evaluated. I
9 don't want her to do this again. I don't want anybody to do
10 this again. And for her to get up and do a public service
11 announcement and put herself out there at her age. The
12 community. It wasn't -- it wasn't ten minutes from the plea
13 she got a letter evicting her. I mean, it came so fast it
14 must have been waiting for her at the door. Out.

15 Her life has changed. And she is 100-percent aware
16 of what happened and it will not happen again.

17 **THE COURT:** Thank you.

18 First to our presentence officer, thank you. Very
19 thorough work. I appreciate it. I find it very helpful. I
20 do have a couple of questions for you. So from the
21 perspective of the probation office, what is your view on the
22 risk of recidivism in this case with the conditions of
23 supervision that are being proposed?

24 **THE PRESENTENCE OFFICER:** Yes, Your Honor.

25 **MS. LIGGETT:** Do you want her to come to the podium,

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1 Your Honor.

2 **THE COURT:** That might be better.

3 **THE PRESENTENCE OFFICER:** Thank you, Your Honor.

4 I have only spoken with Ms. Seim personally once. I
5 saw remorse when I spoke with her. And in talking about the
6 recidivism risks, if she is granted probation, her supervising
7 officer has been briefed and is aware of Ms. Seim and the
8 history and characteristics of Ms. Seim and the kind of unique
9 nature of her being an individual on supervised release or a
10 term of probation.

11 I believe in terms of Ms. Seim's remorse, I think it
12 is genuine. I agree with the government in that all eyes are
13 on Ms. Seim now in a way that she didn't have before. And I
14 think in terms -- in terms of positivity, she didn't have
15 anyone looking out for her previously to avoid this entire
16 situation. Moving forward, she will have the entire probation
17 office looking out for her and her best interests and making
18 sure that she doesn't end up back in this courtroom for any
19 reason whatsoever.

20 I'm trying to think if there's anything else.

21 I would agree with both parties that I don't believe
22 that Ms. Seim is at risk for coming back into this courtroom
23 under similar circumstances.

24 **THE COURT:** Do you believe there are appropriate
25 support mechanisms in place now that will, I guess in two

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1 ways, one, continue to keep all eyes on Ms. Seim and, number
2 two, to be there not to backstop but essentially to be more
3 proactive in a sense?

4 **THE PRESENTENCE OFFICER:** Sure. I did write down
5 both Oasis and Aging Ahead. I'm going to leave a note for her
6 supervising officer. I'm not sure how aware our office is
7 with those particular resources, given the average age of
8 offenders that are in our office, but it will be a great
9 additional resource to add to the arsenal.

10 I think that proactivity is going to be very
11 important moving forward. I know that trust is difficult to
12 come by and hard to be earned by Ms. Seim, and I hope that
13 moving forward with her supervising officer she is able to
14 build a relationship with that officer that will allow her to
15 reach out in times of, you know, concern and in moving forward
16 in a proactive manner.

17 I do believe that we have the resources to be
18 proactive in this.

19 **THE COURT:** Now, if I were to sentence Ms. Seim to a
20 term of probation instead of a term of incarceration, will the
21 probation office actively supervise her for the entire term?

22 **THE PRESENTENCE OFFICER:** Yes, Your Honor.

23 **THE COURT:** In terms of access to the Internet,
24 there are a couple of things in that regard. I received a
25 violation report some weeks ago. There was some

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1 back-and-forth on it about whether Ms. Seim -- she, at the
2 time, possessed one or two smartphones. There was a question
3 of whether they had access to the Internet or not. So tell me
4 about that situation. And then I want to talk about the
5 appropriate conditions with respect to Internet access and
6 smartphones and the like.

7 Because in this case, they are virtue and a vice.
8 Right? Social media can be a virtue and a vice. I see the
9 vice of it here. The flip side of that is the concern that I
10 think all involved have expressed about preventing Ms. Seim
11 from becoming more isolated than she is, kind of backsliding
12 back to where she was or even worse.

13 So tell me what the probation office's view is with
14 respect to Internet access and devices, if you will,
15 computers, smartphones and the like for Ms. Seim on a
16 go-forward basis if I were to sentence her to probation.

17 **THE PRESENTENCE OFFICER:** My understanding in
18 reference to the phones in particular comes from notes after
19 the fact. So I'm not sure if Lucy has a better knowledge of
20 it.

21 I am aware of, at this time, Ms. Seim has a new cell
22 phone. It does not have access to the Internet whatsoever.
23 While on pretrial, Ms. Seim has not been able to access the
24 Internet, has not been able to own a computer or a smartphone.
25 I realize that my report does not include the language for

1 those special conditions. I did just e-mail them to you, so
2 they are in front of you if you need them.

3 I don't want to speak too much on the incidents that
4 did occur with the previously owned cell phones because I was
5 not involved in the supervision aspect of that. But I do -- I
6 do believe that at this present time it has been confirmed by
7 pretrial that the phone that she possesses is the only phone
8 she has. There is no access to the Internet. She does not
9 own any computers in her home.

10 Should the Court impose the special conditions that
11 have been utilized during pretrial, it will just kind of carry
12 over. It will remain as it has been for her. I think that
13 she had a bit of a bumpy start getting situated with the phone
14 and the lack of Internet access, but moving forward, if those
15 conditions were to be imposed and applied, there should be no
16 change to the expectation moving forward for what she's
17 already been doing.

18 **THE COURT:** Well, thank you. You anticipated my
19 next question about providing the conditions. Thank you for
20 that.

21 So, Ms. Liggett and Ms. Seim, I'm going to read
22 these conditions. These are conditions that will be
23 additional conditions for either a term of supervised release
24 or a probation. They are not listed in your presentence
25 report. However, I believe you are familiar with them because

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1 they are, as I understand it, current conditions of Ms. Seim's
2 bond and being out on pretrial supervision.

3 I don't think they are anything new. The only way
4 that they are new is in terms of being specifically tied to
5 going forward from sentencing forward as opposed to up to the
6 point of sentencing.

7 Do you agree with that, Ms. Liggett?

8 **MS. LIGGETT:** Yes, Your Honor. I know what
9 conditions you are talking about.

10 **THE COURT:** All right. I'm going to read them so,
11 Ms. Seim, you are aware. And I need you to tell me if you
12 understand each one of these conditions.

13 One is you must not possess and/or use computers as
14 defined under federal law or other electronic communications
15 or data storage devices or media without the written approval
16 of the probation office.

17 Do you understand that?

18 **THE DEFENDANT:** Yes.

19 **THE COURT:** And is that a condition you are
20 currently subject to?

21 **THE DEFENDANT:** Yes.

22 **THE COURT:** And I'm going to make it the "prior
23 written approval." So you need advance approval before you
24 would use any of those or possess any of those devices. You
25 would need the probation officer to okay it, approve it before

1 you got one.

2 Do you understand that?

3 **THE DEFENDANT:** Yes, I do.

4 **THE COURT:** The next one is you must advise the
5 probation office of all computers, electronic equipment and
6 web-enabled equipment, including cell phones, to which you
7 possess or have access within 24 hours of obtaining them.

8 Do you understand that?

9 **THE DEFENDANT:** Yes.

10 **THE COURT:** I'm going to change that a little bit.
11 And I'm going to change it to that you have to advise them at
12 your initial meeting with your probation officer of any of
13 that type of equipment that you possess at that time. Okay?

14 So anything that you have at the time. So if that
15 initial meeting occurs today, tomorrow, Monday or whenever it
16 occurs, I'm ordering you to make sure you tell the probation
17 officer of everything you have.

18 Do you understand that?

19 **THE DEFENDANT:** Okay.

20 **THE COURT:** And then the second way I'm going to
21 change is that you may not obtain any of those items, any more
22 of those items without, again, advanced written approval of
23 your probation officer.

24 Do you understand that?

25 **THE DEFENDANT:** Yes.

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1 **THE COURT:** Next is you must not access the Internet
2 except for reasons approved in advance by the probation
3 officer. Do you understand that?

4 **THE DEFENDANT:** Yes.

5 **THE COURT:** And then the next is you must submit
6 your computers -- again, as defined under federal law -- or
7 other electronic communications or data storage devices or
8 media to searches conducted by the probation office.

9 Do you understand that?

10 **THE DEFENDANT:** Yes.

11 **THE COURT:** And you are currently subject to some
12 form of all four of those things. Right?

13 **MS. LIGGETT:** (Conferring with client).

14 **THE DEFENDANT:** Yes.

15 **THE COURT:** Do you understand that?

16 **THE DEFENDANT:** Yes.

17 **THE COURT:** And you have had conversations with your
18 pretrial officer about that?

19 **THE DEFENDANT:** Oh, yes.

20 **THE COURT:** All right. Thank you.

21 Ms. Korte, I don't have any further questions for
22 you. Again, I appreciate all of your work on this.

23 **THE PRESENTENCE OFFICER:** Thanks, Your Honor.

24 **THE COURT:** Thank you.

25 **MS. BERRY:** Your Honor, I just want to say that

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1 we've been talking a lot about what other people have done for
2 her. The defendant's son, once he was made aware, after her
3 indictment, about the extent of the fraudulent conduct, he
4 immediately took steps to, you know, grab her phones, do
5 anything that he possibly could to help. I think he now has a
6 greater awareness as well. So in addition to the probation
7 office, we also have her son.

8 **MS. LIGGETT:** Your Honor, he is on the -- he is on
9 the call.

10 **THE COURT:** I'm aware.

11 **MS. LIGGETT:** He is listening to everything.

12 **THE COURT:** Right. Right. Well, I will address
13 Ms. Seim's son in a few minutes.

14 That said, Ms. Berry, are you moving to dismiss --

15 **MS. BERRY:** Counts 1 and 3.

16 **THE COURT:** -- a couple of counts in this case?

17 So tell me what is your basis for the finding I need
18 to make that the remaining charges reflect the seriousness of
19 the offense behavior and the dismissal of those counts will
20 not undermine the statutory purposes of sentencing.

21 **MS. BERRY:** Yes, Your Honor. Count 3 is simply
22 another identity theft count. Count 1 is the bank fraud
23 count. It does carry a higher base offense level, that being
24 seven. The impact of the plea is that the guideline range is
25 41 to 51 months with that count as opposed to the 37 to

1 46 months that we have now.

2 However, since the government is requesting
3 five years of probation, which is what, you know, five years
4 of supervised release, what she would have gotten with that
5 count, there is no difference. There is no meaningful
6 difference in the recommendation because we are asking
7 five years of supervised probation.

8 **THE COURT:** Understood. All right.

9 So moving forward here. I do accept the parties'
10 plea agreement. And with respect to the dismissal of Counts 1
11 and 3, Count 1, I think there's minor impact on the guidelines
12 range and Count 3 there's no impact on the guidelines range.

13 I often have lawyers come into my courtroom and tell
14 me this is a really unique case. These are really unique
15 facts. And on these facts, you ought to depart very
16 significantly from the guidelines range or the like. Frankly,
17 rarely is that true. There's what is referred to in the case
18 law by the Supreme Court as the heartland of cases that the
19 guidelines address, and the guidelines do address, as the
20 Supreme Court has found, the "heartland of cases."

21 This case, however, is truly a unique case. And so
22 on these facts and this truly unique case, the overall impact
23 with the defendant's cooperation, Ms. Seim's production of
24 this public service announcement video, her public acceptance
25 of responsibility, they play an outsized role in my

1 determination in this case.

2 I often have defendants come in and tell me they are
3 sorry. They apologize to me. They apologize to everyone
4 under the sun. And they promise me they will never do it
5 again. And that they will do everything they can to make it
6 right. I see many of those defendants back here on supervised
7 release violations. So there's what you say and what you do.
8 Here what Ms. Seim did, in terms of the public service
9 announcement, is quantitatively and qualitatively different
10 from the typical cooperation.

11 And so for those reasons, I find that the remaining
12 charges reflect the -- adequately reflect the seriousness of
13 the offense behavior and accepting the guilty plea agreement
14 will not undermine the statutory purposes of sentencing.

15 With that, I do adopt the guidelines calculations
16 that are set forth in the presentence report and those are as
17 follows. These are the advisory guidelines ranges.

18 Total offense level is 21. Criminal history
19 category is one. That results in a guidelines range of 37 to
20 46 months' term of incarceration. The supervised release
21 range on Counts 2 and 4, one to three years. Ms. Seim would
22 be ineligible for probation under the guidelines; however,
23 that does not make her legally ineligible. She remains
24 legally eligible for probation.

25 The fine range is 15,000 to \$150,000. The amount of

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1 restitution in this case is a substantial amount for a woman
2 of Ms. Seim's age and means, \$32,454.16. And the special
3 assessment is \$200, 100 per each of the two counts of
4 conviction.

5 So with that, I further adopt the presentence report
6 as my findings of fact and conclusions of law regarding the
7 advisory guidelines.

8 Counsel, are there any objections to these findings,
9 conclusions or calculations for the record or any other
10 errors, corrections or objections not previously made?

11 Ms. Liggett.

12 **MS. LIGGETT:** No, Your Honor.

13 **THE COURT:** And Ms. Berry.

14 **MS. BERRY:** No, Your Honor.

15 **THE COURT:** Are there any legal objections to
16 imposing sentence at this time?

17 **MS. LIGGETT:** No, Your Honor.

18 **MS. BERRY:** No, Your Honor.

19 **THE COURT:** So in addition to the advisory
20 guidelines and the policy statements, I have considered the
21 nature and circumstances of the offense which we have talked
22 about a fair amount. I will talk about it a little more in a
23 moment.

24 The history and characteristics of Ms. Seim, which
25 we've talked about a fair amount as well. And Dr. Scott has

1 very ably provided that information and Ms. Liggett has
2 provided a very -- ably provided that information as well.
3 And I will talk about that a little bit more.

4 I've also considered the need to avoid unwarranted
5 sentencing disparities among similarly-situated defendants and
6 the types of sentence available. And in this case, looking at
7 the types of sentence available is something that because of,
8 as I say, the truly unique circumstances of this case,
9 something that I've given a great deal of thought to, as have
10 obviously the attorneys in this case, and that they have
11 provided me tremendous assistance in this regard.

12 So with respect to the offense conduct. So the
13 record is clear, I mean, this case involves Ms. Seim being
14 preyed upon. There's no question about that. There are basic
15 human needs. Right? There's the need for nutrition,
16 hydration, shelter. I think in a fundamental level there's a
17 need for love. And I think that the scammers in this case
18 honed right in on that fundamental need and preyed upon
19 Ms. Seim for that.

20 The flip side of that is Ms. Seim allowed this to go
21 on for an awfully long time in the face of multiple warnings.
22 As is said in the presentence report, "despite several
23 warnings from banking institutions, local police agencies and
24 federal agencies, Ms. Seim continued to act as a money mule
25 for an unknown individual over the course of five years

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1 resulting in intended loss of at least \$550,000 and less than
2 \$1.5 million."

3 Ms. Seim was advised that she was no longer able to
4 use the services of MoneyGram due to the fact that the money
5 she was receiving was part of a fraud- -- and sending was part
6 of a fraudulent scheme. She attempted and did deposit a
7 fraudulent check. Her bank account was subsequently closed
8 after bank representatives told her that she was involved in
9 fraudulent activity.

10 The first bank deemed an account she opened
11 suspicious and closed the account. There was a check in the
12 amount of \$149,900 that was returned by a bank to J Kendell
13 Autos, I think the payor on that check, because it was
14 fraudulent. TBK Bank sent an indemnification agreement
15 requesting that another bank block access to the funds because
16 they were received into Ms. Seim's account fraudulently. The
17 Small Business Administration declined a loan that Ms. Seim
18 attempted to take out and did not deposit any funds into her
19 account.

20 Ms. Seim would use false names to protect her
21 paramour and ignore -- continued to ignore these warnings.

22 That conduct is troubling. It's very troubling.
23 And, I mean, it reflects two things at a fundamental level:
24 One is the sophistication and manipulation of the schemer,
25 William; and, number two, it reflects Ms. Seim's

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1 susceptibility to that and her hardening, kind of, to the
2 outside world of the warnings that were provided to her.

3 So the other aspect or another aspect of this case
4 that hasn't been mentioned here today yet is that Ms. Seim was
5 only personally benefiting financially to a very small amount.
6 She wasn't -- she was a money mule for hundreds of thousands
7 of dollars as we discussed. But in terms of what she put into
8 her own pocket -- and as we know from the presentence report,
9 she is not a woman of significant financial means. She is
10 living on social security. She wasn't pocketing money. She
11 wasn't living a lavish lifestyle.

12 Oftentimes in cases involving embezzlement of funds,
13 I see where people are lining their own pocket. They are
14 purchasing all sorts of vehicles. They are living a lavish
15 lifestyle. They are going on extravagant trips out of the
16 country or exotic destinations. There was none of that here.

17 And, again, when I say this is truly a unique case,
18 this is one of the aspects that makes this a truly unique
19 case.

20 Ms. Seim is 81 years old. She has no prior criminal
21 convictions. Having sentenced somewhere over 200 people in
22 the last two and a half years, the number of people I've seen
23 that come before me that have no criminal history at all is
24 very, very, very small. Probably I can count it on two hands
25 max, maybe one hand. And most of those people are

1 substantially younger, maybe a fraction of Ms. Seim's age.
2 Very rare.

3 Ms. Seim also has no history of substance abuse.
4 Again, same thing as with criminal history. It's very, very
5 rare to see someone come before me who has no history of
6 substance abuse.

7 I have considered Ms. Seim's medical conditions
8 which are extensive. They are laid out in paragraph 53 of the
9 presentence report. I'm not going to repeat them all. I have
10 considered all of them. They are laid out in Dr. Scott's
11 report as well.

12 I have considered Ms. Seim's mental and emotional
13 health, which is set forth in paragraphs 54 through 57 of the
14 presentence report. Again, Dr. Scott's evaluation, which is
15 Docket 54, and the four factors he believes are for diminished
16 risk of recidivism. We have talked about that. We have
17 talked about that with Ms. Korte as well and Ms. Berry, and I
18 think there is really a combination of factors at work here
19 and things in place now to prevent recidivism and really do so
20 proactively.

21 Ms. Seim has had what I consider an exceptional,
22 tangible, lasting acceptance of responsibility that will
23 continue, we hope, to help others. We will never know, as
24 Ms. Berry said, whether it prevents anybody. But the more
25 it's viewed, the more it's available, the more it's

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1 distributed, the more likely it is that it will prevent
2 others. That is, as I say, a very exceptional, tangible and
3 lasting effect to help prevent others from engaging in the
4 crimes that Ms. Seim committed.

5 And in considering the sentence in this case, I have
6 to consider a number of factors that we have discussed, that
7 we discussed at the plea hearing, including the purposes of --
8 primary purposes of sentencing of retribution, deterrence,
9 incapacitation and rehabilitation.

10 Essentially that's making sure you pay your debt to
11 society. Making sure we prevent others and do the best we can
12 to prevent others from doing what you did. And putting you in
13 a position where we are preventing you from being able to do
14 that. And providing you the support you need to rehabilitate
15 you to prevent you from doing this again.

16 So I've arrived at a sentence that is sufficient but
17 not greater than necessary to comply with the purposes of
18 federal law in sentencing -- 18, United States Code,
19 Section 3553(a). So with that, I do grant the United States'
20 motion for a downward departure. I find that Ms. Seim's
21 cooperation and assistance, as I said, is quite extraordinary
22 and very far beyond the usual in this case.

23 I grant the defendant's motion for a downward
24 variance in this case as well.

25 So with that, I impose sentence under the Sentencing

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1 Reform Act of 1984 and the provisions of 18, United States
2 Code, Section 3553(a) as follows:

3 It's my judgment that you, Ms. Glenda Seim, are
4 hereby placed on probation for a term of five years with
5 intensive and active supervision.

6 It consists of a term of five years on each of
7 Counts 2 and 4, and these terms will run concurrently; that
8 is, with each other.

9 I do order you to pay restitution pursuant to 18,
10 United States Code, Section 3663(a) for each of Counts 2 and 4
11 in the amount of \$32,454.16 to the following victims: Patriot
12 Credit Union, whose address is in the record here, at \$250.65;
13 TBK Bank, also address in the record, in the amount of
14 \$24,813.51; XX \$2,170;
15 XXXXXXXXXXXXXXXXXXXX -- I'm sorry.

16 I'm going to strike that from the record, the name I
17 just read, the two names I just read. Those are nonpublic
18 victims. But the amounts are 2170; \$2000; 2,670; and \$550.

19 The payments of the restitution must be made to the
20 Clerk of Court for transfer to the victims. The interest
21 requirement for the restitution is waived.

22 All criminal monetary penalties are due in full
23 immediately. If you cannot pay in full immediately, then you
24 must make payments in monthly installments of at least \$150 or
25 no less than ten percent of your gross earnings, whichever is

1 greater, with payments to begin no later than 30 days from
2 today's date.

3 Until all criminal monetary penalties are paid in
4 full, you must notify the Court and this district's United
5 States Attorney's Office Financial Litigation Unit of any
6 material changes in your economic circumstances that might
7 affect your ability to pay criminal monetary penalties and of
8 any change of your mailing or residence address that occurs
9 while any portion of the criminal monetary penalties remains
10 unpaid.

11 The mandatory conditions of supervision are set
12 forth in paragraph 104. The standard are set forth in
13 paragraph 105 of the presentence report.

14 Ms. Liggett, do you waive reading of those?

15 **MS. LIGGETT:** Yes, I do, Your Honor.

16 **THE COURT:** The special conditions of supervision
17 are set forth in paragraph 106 of the presentence report, as
18 well as those that I read on the record earlier here during
19 the hearing. The justification for them is set forth in
20 paragraph 106 as well as in the presentence report generally.

21 Do you also waive reading of those?

22 **MS. LIGGETT:** Yes, Your Honor.

23 **THE COURT:** I will summarize those that I have not
24 already read. So these are additional conditions of your
25 probation that you have to comply with.

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1 Do you understand that?

2 **THE DEFENDANT:** Yes. Yes, Your Honor.

3 **THE COURT:** I'm going to briefly summarize them.

4 You must participate in a mental health treatment
5 program.

6 You must submit your person, property, house,
7 residence, vehicle, papers, computers, other electronic
8 equipment and data storage devices and media and offices to
9 searches conducted by the United States probation officers.

10 You must pay the financial penalty in accordance
11 with the Schedule of Payments sheet of the judgment that I
12 enter.

13 You must provide the probation officer with access
14 to any requested financial information and authorize the
15 release of that information. And the probation office may
16 share that information with the United States Attorney's
17 Office.

18 You must not incur any new credit charges or open
19 any additional lines of credit without the approval of the
20 probation officer. You must apply all monies received from
21 any anticipated or unexpected financial gains -- such as tax
22 refunds, inheritances or judgments -- to the outstanding court
23 ordered financial obligation, the restitution and the special
24 assessment. You must immediately notify the probation office
25 of your receipt of any of those types of monies.

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1 You must also complete 50 hours -- 5-0 hours -- of
2 community service and provide written verification of that
3 community service to the probation officer.

4 I do find that you do not have the ability to pay a
5 fine so I waive the fine in this case, but I do impose a
6 special assessment of \$100 per count for a total of \$200,
7 which is due and payable immediately.

8 I do further order forfeiture of all items seized by
9 law enforcement in connection with the investigation and
10 prosecution of this case.

11 Now I'm going to notify you, Ms. Seim, of your right
12 to appeal.

13 You can appeal your conviction if you believe that
14 your guilty plea was somehow unlawful or involuntary or if
15 there's some other fundamental defect in the proceedings that
16 was not waived by your guilty plea.

17 Under some circumstances, a defendant also has the
18 right to appeal the sentence itself but may enter into a plea
19 agreement that waives some or all of those rights. You have
20 entered into a plea agreement that waives some or all of your
21 right to appeal the sentence itself. These waivers are
22 generally enforceable, but if you believe that the waiver
23 itself is somehow invalid or unenforceable, you can present
24 that theory to the Court of Appeals.

25 Any notice of appeal you file must be filed within

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1 14 days of the entry of judgment by the Court or within
2 14 days of the filing of a notice of appeal by the United
3 States.

4 If you request, the Clerk of Court can and will
5 prepare and file a notice of appeal on your behalf. If you
6 cannot afford to pay the filing fee on appeal or for an
7 attorney on appeal, you may apply to have the filing fee
8 waived and to have an attorney appointed for you on appeal.

9 I instruct Ms. Liggett to review with Ms. Seim her
10 appeal rights and promptly file the form in compliance with
11 Local Rule 12.07.

12 Counsel, do you have any objections to the sentence
13 for the record?

14 **MS. LIGGETT:** No, Your Honor.

15 **MS. BERRY:** No, Your Honor.

16 **THE COURT:** Counsel, is there anything further we
17 need to address before I address a few words to Ms. Seim and
18 also to her son?

19 **MS. LIGGETT:** No, Your Honor. Thank you.

20 **MS. BERRY:** No, Your Honor. Thank you.

21 **THE COURT:** Ms. Seim, you can talk to Ms. Liggett in
22 a moment.

23 As I said, this is a truly unique case. And your
24 sentence in this case I intend to be, frankly, both hard and
25 helpful. I don't expect probation to be easy for you, but I

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1 also expect it to be helpful to you. You must pay your debt
2 to society for the wrongs you have committed here and those
3 you harmed.

4 But, also, I think that the probation office can
5 help you a great deal and all of the resources that Ms. Berry
6 has provided to the probation office. And all of the other
7 resources that have been put in place for you, including your
8 son, including the mail going to your son, including the
9 people in your apartment complex being aware of your
10 situation. Ms. Berry said it well when she said all eyes are
11 on you. And they are. My eyes will continue to be on you.

12 Your probation officer will provide me reports of
13 any violations you have of your terms and conditions of
14 probation so I will know about them. I will know about them
15 pretty soon after they happen. I will read them. I will pay
16 very careful and close attention to them.

17 If you violate your terms of probation, it's very
18 likely that you are going to be back here before me in my
19 courtroom and we may be talking about other types of penalties
20 for you. Those would include a term of incarceration in the
21 Bureau of Prisons. Time in prison.

22 So I encourage you to work closely with your
23 probation officer. You are going to need to develop a
24 trusting relationship with your probation officer. One thing
25 I tell virtually every defendant that I see at the time of

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1 sentencing is that the probation officer is there to help you.
2 Your probation officer wants to see you succeed.

3 The way that happens is if you work with your
4 probation officer. If you work against your probation
5 officer, you make it awfully difficult for them to help you
6 succeed. So you need to work with your probation officer all
7 the time.

8 Do you understand that?

9 **THE DEFENDANT:** Yes, I do, sir.

10 **THE COURT:** Now, your son is here on the line. I'm
11 going to address these words to him.

12 You are now aware of what your mother has been
13 involved in, what she was victim of, what she participated in
14 and I thank you for the assistance you provided since you have
15 become aware of this. I encourage you to continue to provide
16 that kind of assistance, to provide that close connection and
17 to provide monitoring, if you will. I think that will help.
18 I think that will help your mother.

19 I can't tell a son to love his mother, but I will
20 tell you I do think that a big issue here is that fundamental
21 human need to be loved. And I think you can play a special
22 role in that. Certainly I will leave that up to you how you
23 manifest that in your conduct with your mother, but I
24 encourage you to keep that in mind and move forward
25 accordingly.

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1 With that, is there anything further we need to
2 address?

3 **MS. LIGGETT:** No, Your Honor. Thank you.

4 **MS. BERRY:** No, Your Honor. Thank you.

5 **THE COURT:** Thank you all very much. I really
6 appreciate the fine manner in which you have handled this case
7 in the creative way that you have come up with, Ms. Berry, for
8 resolving this case. And I hope that it is of great benefit
9 going forward. And if there's anything that I can do to help
10 with the benefit of going forward, please let me know. I'm
11 happy to do that.

12 **MS. BERRY:** You may regret saying that.

13 **THE COURT:** That wouldn't be a real bad regret
14 really. So thank you all very much.

15 With that, Court is adjourned.

16 (The proceedings concluded at 3:07 p.m.)
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CERTIFICATE

I, Reagan A. Fiorino, Registered Merit Reporter and Certified Realtime Reporter, hereby certify that I am a duly appointed Official Court Reporter of the United States District Court for the Eastern District of Missouri.

I further certify that the foregoing is a true and accurate transcript of the proceedings held in the above-entitled case and that said transcript is a true and correct transcription of my stenographic notes.

I further certify that this transcript contains pages 1 through 48 inclusive and was delivered electronically and that this reporter takes no responsibility for missing or damaged pages of this transcript when same transcript is copied by any party other than this reporter.

Dated at St. Louis, Missouri, this 11th day of March, 2022.

/s/ Reagan A. Fiorino

Reagan A. Fiorino, RDR, CRR, CRC, CCR
Official Court Reporter